IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.19525-M of 2007
Date of Decision:- 6.8.2007

Neeraj Kumar ....Petitioner(s)

through
Mr.Vikram Singh, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The petitioner, who has been convicted under Section 15 of the N.D.P.S.Act, has been denied parole for house repairs on the basis of report of the District Magistrate, Bagpat (U.P.). The said District Magistrate has declined to recommend the petitioner's case on the apprehension that the petitioner may indulge in criminal activities.

Neither in the written statement nor in the impugned order, it is the case of the respondents that the petitioner in involved in more than one criminal cases and/or is a habitual offender. There appears to be, thus, no material to support the opinion formed by the District Magistrate, Bagpat (U.P.).

In these circumstances, the report of the District Magistrate being totally contrary to facts and laconic, cannot sustain. Resultantly, the impugned order which is based upon the said report is also liable to be set

aside.

Ordered accordingly.

The respondents are directed to re-verify the facts and if it is found that the petitioner is not involved in any other criminal case and there is no other adverse material to apprehend his involvement in criminal case (s) in the event of release on parole, to re-consider his case in accordance with law.

The needful shall be done within a period of two months from the date of receipt of a certified copy of this order.

August 06, 2007 **(SURYA KANT)**
poonam **JUDGE**